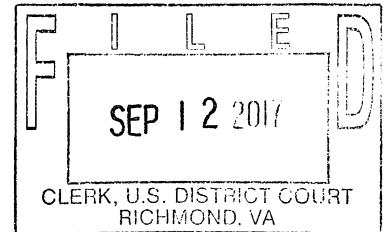


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



BRIAN LESTER WALTON, SR.,)
Petitioner,)
v.) Civil Action No. 3:17CV455-HEH
COMMONWEALTH OF VIRGINIA,)
Respondent.)

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Petitioner, a Virginia inmate proceeding *pro se*, submitted a 28 U.S.C. § 2241 petition (“§ 2241 Pet.”). In his present petition, Petitioner challenges, *inter alia*, his 2014 conviction for violation of a protective order, third offense, in the Circuit Court for Middlesex County. (§ 2241 Pet. 2–3, ECF No. 1.)¹ Petitioner currently has another petition for a writ of habeas corpus pending before this Court wherein he challenges the same conviction. *See Walton v. Clarke*, No. 3:17CV320 (E.D. Va. filed Apr. 26, 2017). The pertinent statutes do not permit inmates to litigate multiple or successive habeas petitions. *See Felker v. Turpin*, 518 U.S. 651, 657 (1996). Accordingly, by Memorandum Order entered on July 31, 2017, the Court directed Petitioner, within

¹ See <http://www.courts.state.va.us/main.htm> (select “Case Status and Information;” select “Circuit Court” from drop-down menu; select hyperlink for “Case Information;” select “Middlesex Circuit Court” from drop-down menu and follow “Begin” button; type “Walton, Brian,” and then follow “Search by Name” button; then follow hyperlinks for “CR13000217–00”). “The Circuit Court’s docket is accessible through the Virginia Judicial System Website. Federal courts in the Eastern District of Virginia regularly take judicial notice of the information contained on this website.” *McClain v. Clarke*, No. 3:13CV324, 2013 WL 6713177, at *1 n.6 (E.D. Va. Dec. 18, 2013) (citations omitted).

eleven (11) days of the date of entry thereof, to show good cause why the present petition should not be dismissed without prejudice to Petitioner's litigation of his claims currently pending in *Walton v. Clarke*, No. 3:17CV320 (E.D. Va.). The Court warned Petitioner that failure to comply with the Court's directive would result in summary dismissal of the action. Petitioner has not responded. Accordingly, the action will be dismissed without prejudice. The Court will deny a certificate of appealability.

An appropriate Order shall accompany this Memorandum Opinion.

Date: Sept. 12, 2017
Richmond, Virginia



HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

/s/